

### **REMARKS/ARGUMENTS**

The Examiner is thanked for his review of the application.

Claims 1-9, 27-35 and 53-61 remain in the application. No new claims have been added and no claims have been amended.

In the Office Action dated October 30, 2007, the Examiner has rejected Claims 1-9, 27-35, and 53-61 under 35 U.S.C. 102(e) as being unpatentable over Boswell et al. (2003/0126053).

Regarding Claims 1, 27, 53, the Examiner has stated that “Boswell et al. discloses receiving a request for a graphical depiction of said plurality of price adjustments that are applied to said product set over said predetermined time period (see [0027, 0032] and Figures 5-6); retrieving, in response to said request, transaction data for said plurality of price adjustments for said product set during said predetermined time period from a database that stores transaction data for said product (see [0010, 0034, 0041, 0043, and 0079]; computing, for each price adjustment in said plurality of price adjustments, a representation of an amount the price of said product set was adjusted in accordance with said corresponding price adjustment during said predetermined time period using said transaction data (see [0030, 0039, and 0071]); and graphing each said representation as an element in a graph having a start price point and an end price point, wherein each said element is placed between said start price point and said end price point (see [0007, 0026, and 0027] and Figures 5-6). Boswell et al. discloses a central processing unit, a memory, coupled to the CPU, the memory storing a waterfall history database that stores transaction data for said product, and a waterfall reporting module (see Waterfall Tool 20 and Waterfall Output 30 in Figure 1, Waterfall Worksheet in Figure 5, [0010, 0034, 0041, 0091-0093]).”

Regarding Claims 2, 28, 54, the Examiner has stated that “Boswell et al. discloses wherein said product set comprises a single shopkeeping unit that uniquely represents a product in a catalog of products (see [0077]).”

Regarding Claims 3, 29, 55, the Examiner has stated that “Boswell et al. discloses wherein said product set comprises each product sold to a particular customer or a particular group of customers during said predetermined time period (see [0075]).”

Regarding Claims 4, 30, 56, the Examiner has stated that “Boswell et al. discloses wherein each price adjustment in said plurality of price adjustments is selected from the group consisting of an order size discount, a promotion discount, an exception discount, a cash discount, a cooperative advertising discount, salesperson discretion, a promotional bonus, a product line rebate, an annual volume bonus, a marketing allowance, and a freight surcharge (see Figure 7, Figure 9, Figure 10, Figure 12, and [0007, 0033-0035, 0037, 0039, 0042, 0043, 0045, 0053-0056, 0060, 0061, 0063, 0065, 0066, 0069-0073, 0079-0084, 0088, and 0090]).”

Regarding Claims 5, 31, 57, the Examiner has stated that “Boswell et al. discloses wherein each said representation of said amount the price was adjusted in accordance with said corresponding price adjustment is a summation of the amount the price was adjusted by said price adjustment in each transaction for the purchase of said product set during said predetermined time period (see [0048-0049, 0051, 0067-0068, 0076, 0081, 0083]).”

Regarding Claims 6, 32, 58, the Examiner has stated that “Boswell et al. discloses wherein each said representation of said amount the price was adjusted in accordance with said corresponding price adjustment is a weighted average of the amount the price was adjusted by said price adjustment in each transaction for the purchase of said product set during said predetermined time period (see [0040, 0074, 0076]).”

Regarding Claims 7, 33, 59, the Examiner has stated that “Boswell et al. discloses wherein said graph further includes one or more intermediate price points and each said element is associated with either an intermediate price point, selected from amount said one or more intermediate price points, or said final price point, and wherein said element is plotted in the graph before the price point associated with the element (see [0007, 0080, and Figures 5-6]).”

Regarding Claims 8, 34, 60, the Examiner has stated that “Boswell et al. discloses wherein an intermediate price point in said one or more intermediate price points is an invoice price (see [0007, 0027, and 0084]).”

Regarding Claims 9, 35, 61, the Examiner has stated that “Boswell et al. discloses accepting a selection of the element in said graph that corresponds to said first price adjustment; and graphing, for each subcategory of said first price adjustment, the representation that corresponds to said subcategory of said first price adjustment (see [0007, 0026, and 0027]).”

To overcome the Examiner's 102(e) rejection of Claims 1-9, 27-35 and 53-61 in view of Boswell et al. (2003/0126053), enclosed is a declaration by Narayanan Vijaykumar, Senior Vice President of the assignee Vendavo, Inc, under 37 C.F.R. 131(b), that swears behind the Boswell reference which purport to have a priority date of December 28, 2001. Enclosed with this declaration is a copy of an internal design specification entitled "Pricing Functional Design Specification" authored by the newly added co-inventors, Anoop Singhal and Michael Klein. This design specification was last modified on September 18, 2001 and used for implementing Vendavo's product and services. Also enclosed with the Vijaykumar 131(b) declaration is a declaration by all three inventors, Johannes Marais, Michael Klein and Anoop Singhal, under 37 C.F.R. 1.63. Accordingly, the claimed invention is patentable over Boswell under 102(e).

Applicants believe that all pending claims 1-9, 27-35 and 53-61 are now allowable over the cited art and are also in allowable form and respectfully request a Notice of Allowance for this application from the Examiner. The commissioner has been authorized via EFS (credit card) to charge the amount of \$1,050.00 to cover the three-month extension of time fee. The commissioner is authorized to charge any fees that may be due to our Deposit Account No. 50-2766 (Order No. VN0302). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number 925-570-8198.

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